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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/067,234	04/27/98	CRESCENTINI	L 316-981P

QM12/1103

EXAMINER

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OLEKSA, D

ART UNIT	PAPER NUMBER
3741	7

DATE MAILED:

11/03/99

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No. <b>09/067,234</b>	Applicant(s) <b>LYNDA N. CRESCENTINI</b>
Examiner <b>Diana Oleksa</b>	Group Art Unit <b>3741</b>

Responsive to communication(s) filed on Oct 8, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

Claim(s) 11, 12, 15, 17, 18, and 24-28 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) 11 is/are allowed.

Claim(s) 12, 15, 17, 18, and 24-28 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

Notice of References Cited, PTO-892.

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3741

1. Initially, it is noted that the amendment to claim 16 set out on page 2 of the amendment of October 8, 1999 has not been entered since claim 16 was canceled on page 1 of the amendment.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 15, 17, and 18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The original disclosure provides no support for the new limitation of lines 7-8 which requires the respective layers to be mutually adherent to one another.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 12 and 24-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 12, it is unclear whether this claim is directed to a protective headgear or whether it is directed to a plastic composition material carrying a distorted configuration. The preamble of the claim is clearly directed to a protective headgear. Yet, the

Art Unit: 3741

body of the claim is directed to plastic composition material carrying a distorted configuration.

Accordingly, this claim has not been further treated on the merits.

With regard to claim 24, "the first so shaped sheet", of line 7, has no antecedent. It appears that "first so shaped", of line 7, should instead read "opaque".

With regard to claim 25, "the first such sheet", of line 2, has no antecedent. It appears that "first such", of line 2, should instead read "opaque".

With regard to claim 26, "the second such sheet", of line 2, has no antecedent. It appears that "second such", of line 2, should instead read "translucent".

With regard to claim 27, the meaning of this claim is not understood. It is suggested that the indefiniteness of claim 27 could be corrected if it were amended to read:

The method according to claim 24, further including a preliminary step of providing a distorted configuration of said patterning when viewed flat on one of said sheets prior to forming said one of said sheets into said generally hemispherical headgear configuration, said distorted configuration of said pattern being adapted to become undistorted when said one of said sheets is formed into said hemispherical headgear configuration.

6. Claim 11 is allowed.

7. It appears that claims 15, 17, and 18 would be allowable if the new matter of claim 15 lines 7-8 was deleted.

8. Claims 24-28 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.

Art Unit: 3741

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No.s 5,794,271 and Re. 29,742 shows layered helmets with visual interest.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Oleksa whose telephone number is (703) 308-0890. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Wednesdays.

Art Unit: 3741

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert, can be reached at (703) 305-1025. The fax number for this Group is (703) 308-0758.

Any inquiry of a general nature or relating to the status of the application should be directed to the Group receptionist whose telephone number is (703) 308-0861.



D. OLEKSA  
PRIMARY EXAMINER  
ART UNIT 3741

do

October 29, 1999

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